

CLARK HILL

Charles R. Spies
T 202.572.8663
F 202.572.8683
Email: csplies@clarkhill.com

Clark Hill PLC
601 Pennsylvania Avenue NW
North Building, Suite 1000
Washington, DC 20004
T 202.772.0909
F 202.772.0919
clarkhill.com

September 15, 2016

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463
VIA FACSIMILE: (202) 219-3923

OFFICE OF GENERAL
COUNSEL

2016 SEP 16 AM 11:51

RECEIVED
FEDERAL ELECTION
COMMISSION

Re: MUR 7114 – Response to Complaint from Tom Casperson and
Casperson for Congress

Dear Mr. Jordan:

We are writing this letter on behalf of our clients, Tom Casperson, Casperson for Congress (the "Committee"), and Judi Skradski, in her official capacity as Treasurer, in response to the Complaint filed by End Citizens United ("Complainant") dated July 29, 2016, and designated MUR 7114. The Complaint is based on conjecture and innuendo, and fails on its face to state a violation of the Federal Election Campaign Act of 1971, as amended ("FECA" or "Act"). Consequently, the Complaint should be immediately dismissed.

Tom Casperson was a candidate in the Republican Party primary election for Michigan's First Congressional District. Casperson's principal campaign committee is Casperson for Congress. Casperson is also a Michigan State Senator, and his State Senate committee is Tom Casperson for State Senate ("State Committee").

On November 9, 2015, Casperson announced his candidacy for Congress and embarked on an announcement tour through portions of the First Congressional District. The Complaint alleges that Casperson used the State Committee to subsidize the announcement tour by paying for hotels located outside Casperson's State Senate District, but within the First Congressional District. Thus, Complainant assumes those charges must *de facto* be related to the congressional announcement tour.

MUR 7114 Response from Tom Casperson and Casperson for Congress
Page 2

170444300M

The Complaint generally alleges that the State Committee subsidized Casperson's congressional announcement tour by paying the lodging expenses. Specifically, the Complaint cites to four different hotel expenses disclosed on the State Committee's 2015 Annual Statement that were incurred during the same reporting period as the announcement tour. However, as noted by Complainant, the State Committee report disclosed the date the State Committee paid the credit card statement, November 26, 2015, and not the date the expenses were actually incurred. Nonetheless, Complainant, through pure conjecture, makes up its own narrative regarding these expenses, and as expected, all of them conveniently coincide with Casperson's congressional announcement tour. The Complainant provides no evidence to support its allegations and on that basis alone the Complaint should be immediately dismissed. The State Committee did not subsidize the congressional announcement tour, and the Complainant provides no evidence to support its conclusion. In fact, the specific expenses cited by Complainant were incurred prior to Casperson announcing his candidacy for Congress, and were appropriately paid by the State Committee, as follows:

Comfort Inn Traverse City (\$274.16): The Complaint speculates that this expense was related to Casperson's November 9, 2015 congressional candidacy announcement at Northwest Michigan College in Traverse City. In reality, this expense was incurred on October 24, 2016, before the congressional announcement tour.¹ Casperson and his wife attended the Grand Traverse Area Catholic Schools Annual Gladhander Auction on October 24, 2015, and stayed overnight at the Comfort Inn in Traverse City. This expense was incurred prior to the date Casperson became a candidate for Congress, and was unrelated to his congressional campaign. As such, it was properly treated as an "incidental expense" under Section 9(1) of the Michigan Campaign Finance Act ("MCFA").

Sault Ste Marie Holiday Inn Express (\$179.20): The Complaint alleges that this charge was related to Casperson's congressional announcement tour because Casperson attended an event at Lake Superior State University on November 12, 2015, and the Sault Ste Marie Holiday Inn Express is only "two doors away" from the event. Nice try, but Casperson and a staff person from Casperson's State Senate office stayed at the Sault Ste Marie Holiday Inn Express in connection with a State Senate hearing held on November 2, 2015. The State Committee paid for two rooms for the night of November 1, 2015 totaling \$179.20.² This charge was included in the credit card payment made on November 26, 2015, and properly disclosed on the 2015 Annual Report. This expense was clearly incidental to Casperson's carrying out business as a State Senator, and therefore was properly treated as an "incidental expense" under Michigan law.

Hamilton Inn Mackinaw City (\$83.25): The Complaint alleges this charge was related to the congressional announcement because Mackinaw City is outside Casperson's State Senate district. The Complaint's ridiculous reasoning is enough to dismiss this allegation. Nonetheless, Casperson stayed at the Hamilton Inn Mackinaw City on November 5, 2015 and attended

¹ See Invoice from Comfort Inn, Traverse City.

² See Invoices 144783 and 144772, Holiday Inn Express Sault Sainte Marie.

MUR 7114 Response from Tom Casperson and Casperson for Congress
Page 3

meetings in his official capacity as a State Senator on November 6, 2015, including the Northern Michigan Chamber Alliance Annual Legislative Reception.³ This expense was incidental to Casperson's carrying out business as a State Senator, and therefore was properly treated as an "incidental expense" under Michigan law.

Breakers Resort St. Ignace (\$84): Again, the Complaint alleges this charge was related to the congressional announcement tour because St. Ignace is located outside Casperson's State Senate district. This charge was for one night of lodging on October 29, 2015 in order for Casperson to attend the Sault Chamber legislative lunch on October 30, 2015.⁴ This expense was in connection with Casperson's official duties as a state officeholder, and was properly treated as an "incidental expense" under Michigan law.

The Complaint's narrative regarding the payments for the hotel expenses is completely fabricated. These expenses were incurred prior to Casperson becoming a federal candidate and prior to the announcement tour. The expenses were properly paid by the State Committee because they were in connection with Casperson's official duties as a State Senator. Moreover, the Complaint provides no evidence that the State Committee paid *any* costs associated with the congressional tour. With the entirety of the State Committee's reports at its disposal, this is the best the Complainant could do: four specific allegations that in no way support their conclusion. It is clear that the Complainant is grasping for straws, and that this complaint is entirely baseless.

Such a politically motivated, speculative Complaint should not provide the basis to find "reason to believe" Casperson or the Committee violated the Act. The Commission may find "reason to believe" only if a complainant sets forth sufficient specific facts, which, if proven true, would constitute a violation of FECA. *See* MUR 4960 (Hillary Clinton), Statement of Reasons of Commissioners Mason, Sandstrom, Smith and Thomas (Dec. 21, 2001). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and the Commission will dismiss a complaint if it consists of factual allegations that are refuted with sufficiently compelling evidence. *Id.* As such, the Complaint should be immediately dismissed.

³ See Invoice dated 11/06/2015 for \$83.25 from Hamilton Inn, 701 S. Huron, Mackinaw City, MI 49701.

⁴ See Invoice dated 10/20/2015 for \$84.00 from Breakers Resort - Saint Ignace.

MUR 7114 Response from Tom Casperson and Casperson for Congress
Page 4

Thank you for your consideration of this matter, and please do not hesitate to contact me directly at (202) 572-8663 with any questions.

Respectfully submitted,



Charles R. Spies
Elizabeth Beacham White
*Counsel to Tom Casperson and
Casperson for Congress*

Comfort Inn (MI344)

460 Munson Avenue US-31

Traverse City, MI 49686

(231) 947-8436

GM.MI344@choicehotels.com

Account: 428981495

Date: 9/14/16

Room: 114 SPG

Arrival Date: 10/24/15

Departure Date: 10/28/15

Check In Time: 10/24/15 3:10 PM

Check Out Time: 10/25/15 12:01 PM

Rewards Program ID:

You were checked out by: tyasco

You were checked in by: tyasco

Total Balance Due: 0.00

CASPERSON, THOMAS

705 FARNUM BUILDING

Lansing, MI 48909

10/24/15	Visa Payment		(274.16)
		XXXXXXXXXXXX403	
10/24/15	Room Charge	#114 CASPERSON, THOMAS	245.99
10/24/15	State Tax		14.82
10/24/15	Occupancy Tax		12.35
	Room Charge		245.99
	State Tax		14.82
	Occupancy Tax		12.35
	Visa Payment		(274.16)
	Balance Due:		0.00

This rate is eligible for partner rewards. If this rate is changed, you may no longer be entitled to partner rewards.

CHOICE
privileges.

You should be earning free nights and other great rewards. Join Choice Privileges today at www.choiceprivileges.com

Thank you for your stay. Visit ChoiceHotels.com/VerifiedReviews to post your comments about your recent experience. (Click the "Write a Review" button)

17044400040

09-14-16

Thomas Casperson	Folio No. : 144783	Room No. : 420
4305 US @ & 41	AVR Number :	Arrival : 11-01-15
Escanaba MI 49829	Group Code. :	Departure : 11-02-15
United States	Company : Lake Superior State University	Conf. No. : 67287949
	Membership No. :	Rate Code : IEMKT
	Invoice No. :	Page No. : 1 of 1

Date	Description	Charges	Credits
11-01-15	*Accommodation	80.00	
11-01-15	Sales Tax - Room	4.80	
11-01-15	Occupancy Tax - Room	4.80	
11-02-15	Visa		89.60
Total		89.60	89.60
Balance		0.00	

Guest Signature:

I have received the goods and/or services in the amount shown herein. I agree that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges; if a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

09-14-16

Thomas Casperson
4305 US @ & 41
Escanaba MI 49829
United States

Folio No. : 144772
A/R Number :
Group Code :
Company : Lake Superior State University
Membership No. :
Invoice No. :

Room No. : 418
Arrival : 11-01-15
Departure : 11-02-15
Conf. No. : 66826660
Rate Code : IEMKT
Page No. : 1 of 1

Date	Description	Charges	Credits
11-01-15	*Accommodation	80.00	
11-01-15	Sales Tax - Room	4.80	
11-01-15	Occupancy Tax - Room	4.80	
11-02-15	Visa		89.60
Total		89.60	89.60
Balance		0.00	

Guest Signature: _____

I have received the goods and / or services in the amount shown herein. I agree that my liability for this bill is not waived and agreed to be held personally liable in the event that the indicated person, company, or associate fails to pay for any part or the full amount of these charges. If a credit card charge, I further agree to perform the obligations set forth in the cardholder's agreement with the issuer.

1707444324966

701 S. HURON
MACKINAW CITY, MI 49701
(800)301-1765
Printed: 11/06/15 - 7:08am

p 31

TOM CASPERSON
4305 U S 2 & 41
ESCANABA MI 49829

Room: 332 QQCRT AAA
Daily Rate: 75.00 + Tax
Check-In: 11/05/15 11:44pm Out: 11/06/15 7:08am Nights: 1 Guests: 1/0

CHARGES					PAYMENT					Balance
Date	Room	Phone	Misc.	Tax	Total	Credit	Cash	Bill	Total	
11/05/15	75.00	0.00	0.00	8.25	83.25	0.00	0.00	0.00	0.00	83.25
11/06/15	0.00	0.00	0.00	0.00	0.00	83.25	0.00	0.00	83.25	0.00
TOTAL	75.00	0.00	0.00	8.25	83.25	83.25	0.00	0.00	83.25	0.00

(Taxes: SALES: \$4.50, MAYB ASSMT: \$1.50, BNV/MRKTG: \$1.25)

AMOUNT TENDERED: \$83.25 Visa/MC

TOTAL: \$83.25

CHANGE: \$0.00

Check-out time: 10:00am. Check-in time: 4:00pm

THANK YOU, COME AGAIN!

Guest Signature: _____

EACH NIGHT'S STAY MUST BE CANCELLED 24 HOURS BEFORE 11 AM ON THE DAY PRIOR TO CHECK OUT.
GUEST INITIALS: _____

IN ACCORDANCE TO STATE REGULATIONS, THIS HOTEL IS 100% NON-SMOKING. A \$250 FEE WILL BE CHARGED FOR VIOLATIONS. GUEST INITIALS: _____

THE MANAGEMENT ASSUMES NO RESPONSIBILITY FOR ACCIDENTS, INJURIES, THEFT OR LOSS DUE TO ANY CAUSE. THE HOTEL RESERVES THE RIGHT TO CHARGE FOR ANY DAMAGES TO HOTEL PROPERTY. GUEST INITIALS: _____

THANK YOU FOR STAYING HERE WE HOPE YOU HAVE ENJOYED YOUR STAY.
PLEASE CALL AGAIN ANY TIME TO MAKE RESERVATIONS HERE.

1704443004

Saint Ignace, MI 49781
 Phone: (906) 643-7733 Fax: (906) 643-0021
 www.breakersmi.com
 breakersmi@outlook.com
 Printed: 10/30/2015 - 8:40am

120-1

TOM CASPERSON Guest #53009
 WALK IN
 4305 US 2 AND 41
 ESCANABA MI 49829

Room: 215 QOLK

Daily Rate: 75.00 + Tax

Check-in: 10/29/15 9:37pm Out: 10/30/15 8:40am Nights: 1 Guests: 1/0

Date	Charges				Payment					Balance
	Room	Phone	Misc.	Tax	Total	Credit	Cash	Bill	Total	
10/29/15	75.00	0.00	0.00	9.00	84.00	0.00	0.00	0.00	0.00	84.00
10/30/15	0.00	0.00	0.00	0.00	0.00	84.00 VM	0.00	0.00	84.00	0.00
Total	75.00	0.00	0.00	9.00	84.00	84.00	0.00	0.00	84.00	0.00

Taxes - MI STATE: \$4.50, UPTRA: \$0.75, SECURITY: \$3.75

Amount Tendered: \$84.00 Visa/MC
 TOTAL: \$84.00
 Change: \$0.00

Check-out time: 11:00am Check-in time: 4:00pm

THANK YOU FOR CHOOSING THE BREAKERS RESORT - SAINT IGNACE, COME AGAIN!

CREDIT CARD SALES DRAFT

10/30/15 8:40am
 CASPERSON/TOM
 ##### Visa Exp. #000#
 Approval: 029273

SALE TOTAL: \$84.00

X
 I AGREE TO PAY ABOVE TOTAL AMOUNT ACCORDING TO CARD ISSUER AGREEMENT
 (MERCHANT AGREEMENT IF CREDIT VOUCHER)

THE MANAGEMENT ASSUMES NO RESPONSIBILITY FOR ACCIDENTS, INJURIES, THEFT OR LOSS DUE TO ANY CAUSE.
 THANK YOU FOR STAYING WITH US AT THE BREAKERS RESORT! WE HOPE YOU HAVE ENJOYED YOUR STAY. PLEASE
 CALL (906) 643-7733 ANY TIME TO MAKE RESERVATIONS HERE.